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# Criteria for the Evaluation of Law School Examination Papers

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# Criteria for the Evaluation of Law School Examination Papers

Harold See

"Do you want me to pass out the report cards, Ma'am? Or empty a few waste baskets? Wash your car?"

Peppermint Patty  
*Peanuts*, June 5, 1984  
 Charles Schulz

It is a generally accepted proposition that grades should be determined in a systematic manner based on individual performance. It is hardly more controversial that the criteria by which student performance is judged should be known in advance by the students. Economic analysis of law teaches us that if students behave rationally, their performances will reflect the criteria by which they understand their performances will be evaluated. Analysis of a set of examination papers should reveal the criteria those students believed were to be applied to them. Weighted frequency of occurrence obviously determines the respective weights students believe are assigned to those criteria. And, if the system is to be *fair*, the weights will determine how professors should grade the examinations.

After careful analysis extending over several years, I developed the following criteria as being most consistent with student expectations and thus most fair:

| Criteria  | Point Values   |
|---|----------------|
| 1. A restatement of the question asked  | 10 pts.        |
| 2. Use of colorful ink  | 7½ pts.        |
| 3. Illegible handwriting  | 12 pts.        |
| 4. Clever comments  | 2 pts. each    |
| 5. Big words (proper use optional)  | 1 pt. per word |
| 6. Misspellings   | 1 pt. each     |
| 7. Misspelling of names and other key words that appear correctly spelled in the examination question | 3 pts. each    |
| 8. Half truths about the law  | 10 pts. each   |
| 9. Just-plain-dead-wrong law  | 5 pts. each    |
| 10. Accurate knowledge  | 1 pt.          |
| 11. Legal analysis  | ½ pt.          |
| 12. Analysis of an issue that may be relevant in another course                                       | 10 pts.        |

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|--|-------------------------------|
| 13. Assumptions contrary to the facts given  | 8 pts. each                   |
| 14. Arbitrary references to case names, section numbers, Supreme Court justices . . .        | 2 pts. each                   |
| 15. Arbitrary inclusion of legal terminology   | 3 pts. per use                |
| 16. Simplification of the problem by assuming away the issue                                 | 7 pts. per issue              |
| 17. Stating that an analysis of the problem needs to be "made by the court"                  | 8 pts. per issue              |
| 18. Skipping a question  | 8 pts.                        |
| 19. Skipping a question without putting the question number in the examination book          | 12 pts.                       |
| 20. Verbatim reproduction of a standard outline of the course                                | "B+" for the course           |
| 21. Verbatim reproduction of a standard outline of the course including typographical errors | "A" for the course            |
| 22. The word "TIME" at the end of the examination book                                       | 15 pts.                       |
| 23. The words "I enjoyed the class" at the end of the examination book                       | Add one letter grade to score |

The results of the inquiry clearly indicate that to evaluate student performance fairly—that is, to evaluate performance in a manner consistent with student expectations—many of us will have to change the criteria we have been applying.